THE

WEEKLY INSPECTOR.

"Of those men who have overturned the Liberties of Republics, the greatest number "have begun their career by paying an obsequious court to the People—com- "mencing DEMAGOGUES, and ending TYRANTS." HAMILTON.

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POLITICAL.

THE DANGERS OF THE COUNTRY; *by the author of War in Disguise.*

(Concluded from page 243.)

THE apathy with which Americans view the great events which are transpiring in the old world, is really astonishing, and by no means exhibits our national character in a favourable point of view. The time *must* arrive in which we shall become *actors* in the grand tragedy which is now approaching its denoeument in Europe; but which will sooner or later be exhibited on the American stage. For us to continue to look quietly on, as careless spectators, while exposed to the same conflagration which is consuming the old world, denotes a degree of stupidity but little short of idiotic.

But we are to depend, it seems, on the friendship of nations, and our own justice, and the civility of our manners, and Mr. Jefferson's proclamations, for our protection. That is to say, our philosophers are to reason with the north wind, while it is blowing a hurricane.

It is time that Americans awake from their lethargy, and it is time that they set about becoming *a nation of soldiers*. This object ought to be paramount to our petty political considerations, and our party disputes. This grand object must be kept in view, or we shall become a *nation of slaves*. We may place reliance on our national resources, and that national spirit which animated our fathers and our brethren in the revolutionary war. But in case of Bonaparte's having a little leisure from his European occupations, we shall find an enemy to contend with, whose mode of warfare, and whose system of policy are totally different from any thing which we had to encounter in our revolutionary war.

We shall conclude with a few reflections from our author, which, as they are altogether as applicable to America as to England, we hope will meet the attention of our countrymen.

"While France, to use a phrase repeated so often that its awful import has ceased to be felt, is become *a nation of soldiers*, and while she is assiduously impressing on all her new dominions in Europe, the same terrible character, it is truly amazing to hear British statesmen condemn, as oppressive or needless, the principle of compulsory service. But it is not less extraordinary to find the application of that principle limited to a service of twenty-four days in three years. Yet this is the utmost effect of the Training Act now in force. His Majesty's undoubted prerogative in time of actual invasion, is not indeed impaired by this law. He may then call for the full service of all his people: but in an age when military science has reached such high perfection, and when all its instruments, to be useful, must be prepared by previous discipline, this prerogative would be very ineffectual in the hour of danger, if previous measures should not have paved the way for its exercise. The legislature, therefore, steps in to prepare the people for performing the most important duty of their allegiance in time of need; and sends them for *twenty-four days* to the drill, under parish constables!! Even this is to be done in so slow and progressive a method, that unless the enemy shall be very dilatory indeed, he may sooner provide a marine for

the invasion of England, than a tenth part of the people of England fit for military service, will be thus trained to receive him."

"We may well lament that such a military system as that of France, should have started up again in Europe; and that the iron age of arms should revive in the nineteenth century; but the regret is unavailing—as our enemies have set this terrible example, we must follow it, or perish. Such would be the dilemma, even if these enemies, like the subverters of the Roman empire, were rude and uncivilized in comparison of ourselves, distant from us in place, and inferior in extent of dominion; how much more certainly so, when we have to conflict with a power which rivals us in arts and arms, which looks into our harbours, and which can now summon to the field more than half, perhaps, of the whole military force of Europe?

"But if any Briton can be unmoved with the dangers that menace his country, I beseech him to remember his own. He would not choose, it seems, to become a soldier, to avert all the horrors which would fall upon his native land, in the event of its conquest by France. But does he suppose, that in that event, he will be exempted from military service? No—he may rest assured, that he would soon be compelled to take up arms in the hard service of the conqueror. *Si notes sanus, curres hydropicus* If he will not march as a free man, he will have to march as a slave.

"Bonaparte, who has made Batavian and Italian conscripts, will make English conscripts too, whenever he has power. Is it supposed he will then have no more use for soldiers? He will find it convenient, at least, to drain our captive land of its young and ardent spirits, as the most likely to break their chains. Nor will he want new fields of blood for them, wherein they may gain fresh laurels to adorn the brows of their master. The vast extent of Russia may find long employment for his arms; so may the distant regions of the new world; and even Africa, which, during the late peace, he formed the plan of colonizing and covering with military stations, might furnish a copious drain for the juvenile conscripts of England. Righteous governor of the world! who knows but it may be among the store of thy retributory justice, already so conspicuous in our fate, that the youth of England shall be led captive into that very land, whose hapless children we now cruelly exile and enslave!

"That our enemy aims at conquering the whole world, is now abundantly evident. He will long, therefore, have new battles to fight, or at least new nations to overrun; and when even the world is his own, the provinces of his new empire must be kept in awe by military force. There is no doubt, therefore, that his system of conscription will be as extensive as his conquests; and it will probably be his prudent plan to transport the levies of every country into some distant province; just as he sent his unfortunate Polish legions, to employ their free born ardour in the slave war of St. Domingo."

"The obvious conclusion to these remarks is, that as far as involuntary service may be necessary for the full and perfect security of the country, it ought without scruple to be exacted.

"How far such a necessity now really extends, it may not be easy to determine; but looking at the present situation of Europe, and especially at the population of the French empire, it is surely no immoderate estimate, that what France has already done, England cannot safely omit. We should at least go as far in preparation, as she has gone in practice. While her young men from 18 to 25 are actually serving, our young men of the same ages should at least be preparing."

SCRAPS.

———Quot capitum vivunt, totidem studiorum
Millia.———

Our modern *elegantes* will recognize in the following beautiful lines an accurate portrait of themselves. But how will they be astonished to learn that this allegorical personage was intended as a personification of *vice*, as drawn by a learned English bishop.

The other maid seem'd ev'n of fairer hue,
But bold her mien, unguarded rov'd her eye;
And her flush'd cheeks confess'd at nearer view,
The borrow'd blushes of an artful dye.

All soft and delicate, with airy swim,
Lightly she danc'd along; *her robe betray'd,*
Through the clear texture, ev'ry tender limb,
Heightening the charms it only seem'd to shade.
And as it flow'd adown so loose and thin,
Her stature show'd more tall, more snowy white her skin.

Oft as she walk'd, she view'd herself askance,
Ev'n on her shade a conscious look she threw;
Then all around her cast a careless glance,
To mark what gazing eyes her beauty drew.

Dr. Johnson, in the 'Life of Akenside,' has the following anti-democratic sentiments:

'He certainly entertained an unnecessary and outrageous zeal for what he called and thought liberty; a zeal which sometimes disguises from the world, and not rarely from the mind which it possesses, an envious desire of plundering wealth, or degrading greatness; and of which the immediate tendency is innovation and anarchy, an impetous eagerness to subvert and confound, with very little care for what shall be established.'

Religious Melancholy.

Cowper, the celebrated poet, was of an anxious and melancholy disposition. After shrinking from public business and being overwhelmed with a morbid desperation in consequence of that step, he fell under the tuition of an eminent methodistical divine. From the progress and nature of his sufferings, it appears almost demonstrably certain, that they arose principally, if not entirely, from this cause. His active imagination, too attentive in some respects to its own movements, exaggerated both his religious comforts and his religious fears; and both were regarded, according to the doctrines he had unfortunately imbibed, as actual intimations from heaven. Of consequence, when his constitutional infirmity inclined him to melancholy, it became a religious melancholy of the blackest and most oppressive kind; and thirty years of an innocent and very pious life were passed under the horrors of habitual desperation.

The celebrated Marmontel declares, that to be editor of a public journal, is to condemn oneself to the labour of Sysiphus, or that of the Danaides, and gives us the following account of the obstacles he met with in conducting a paper, and the manner in which he overcame them.

"If the *Mercure* had been only a simple literary journal, I should have had, in composing it, but one endeavour to fulfil, and but one route to pursue. But, formed of different elements, and calculated to embrace a great variety of objects, it was necessary that, in all its relations, it should fulfil its functions; that, according to the various tastes of the subscribers, it should supply the place of newspapers to the lovers of news; that it should render an account of theatres to those whom theatres interested; that it should give a just idea of literary productions to those, who, select in their reading, wished to be instructed or amused; that to the sane and prudent part of the public, who delight in the progress and discoveries of the useful and salutary arts, it should communicate their attempts at improvement, and the happy inventions that succeeded; that to the lovers of the fine arts, it should announce the new productions of art, and sometimes the writings of authors. The popular parts of science that could present objects of curiosity to the public, were also a part of its domain. But above all, it was requisite that it should have a local and social interest, for the provincial subscribers, and that the poetic talent of this or that city of the kingdom should there find inserted, from time to time, its enigma, its madrigal, its epistle: this part of the *Mercure*, in appearance the most frivolous, was the most lucrative.

"It would have been difficult to imagine a periodical work more diversified, more attractive, and more abundant in resources. Such was the idea I gave of it in the preface to my first volume, in the month of August, 1758. "Its form," said I, "renders it susceptible of all that is useful and agreeable; and genius has neither flowers nor fruits with which the *Mercure* is not adorned. Literary, civil, and political, it extracts, it collects, it an-

nounces, it embraces all the productions of talent and of taste; it is, as it were, the rendezvous of the sciences and the arts, and the channel of their commerce.....It is a field that may become more and more fertile, both by the cares employed in its cultivation, and by the riches that may be spread over it.....It may be considered as an extract, or as a collection: as an extract, it is I whom it concerns; as a collection, its success depends on the aid I shall receive. In the critical part, the worthy man whom I succeed, without daring to pretend to replace him, leaves me an example of precision and prudence, of candour and honesty, which I make my law..... To men of letters I purpose to speak the language of truth, of decorum, and of esteem, and my attention in exalting the beauties of their works, will justify the freedom with which I shall observe their defects. No one knows better than I, and I do not blush to avow it, how much a young author is to be pitied, who, when abandoned to insult, has modesty enough to forbid himself personal defence. Such an author, whoever he may be, will find in me, not a passionate avenger, but, according to my abilities, an equitable appreciator. Irony, a parody, or raillery, prove nothing, and enlighten no one; they are traits that sometimes amuse; they are even more interesting to vulgar readers than an honest and sensible criticism; the moderate tone of reason has nothing consoling for envy, nothing flattering for malignity; but my design is not to prostitute my pen to the envious and malicious.....With respect to the collective part of the work, although I purpose to contribute to it as much as lies in me, were it only to supply what may be deficient, I do not depend on my own exertions; all my hope is in the benevolence and the aid of men of letters; and I dare trust that hope is founded. If some of the most inestimable have not disdained to confide to the *Mercure* the amusements of their leisure, often even the fruits of serious study, at a time when the success of this journal was advantageous to one man only, what assistance ought I not to expect from the concourse of talents interested to support it? The *Mercure* is no longer a private fund; it is a public domain, of which I am but the cultivator and the steward."

"Thus was my work announced: and it was well seconded. The moment was favourable. A flight of young poets began to try their wings. I encouraged their first efforts, by publishing the brilliant essays of Malfilatre; I encouraged hopes which he would not have deceived, if a premature death had not torn him from us. The just praises that I gave to the poem of *Jumonville*, revived, in the feeling and virtuous Thomas, that great talent which inhuman critics had frozen. I presented to the public the first offerings of the translation of Virgil's Georgics, and I dared to say that, if this divine poem could be translated into elegant and harmonious French verse, it would be done by the Abbé Delille. By inserting in the *Mercure* an *héroïde* of Colardeau, I made the public feel how nearly the style of this young poet approached, by its melody, its purity, its grace, and its dignity, to the perfection of the models of the art. I spoke advantageously of the héroides of La Harpe. Finally, when the *Hypermnestre* of Lemierre was performed with success, "Behold at present," said I, "three new tragic poets, who inspire the fairest hopes: the author of *Iphigenie en Tauride*, by his sage and simple manner of gradually increasing the interest of the action, and by bursts of poetic fire worthy of the greatest masters; the author of *Artarbe*, by animated poetry, by a full and harmonious versification, and by the dignity and boldness of a character which wanted nothing to put it in action but contrasts worthy of it; and the author of *Hypermnestre* by pictures of the greatest force. It should be the public care," added I, "to protect them, to encourage them, to console them, for the madness of envy.

The arts want the torch of criticism, and the spur of glory. It is not to the *Cid* persecuted, it is to the *Cid* triumphant from persecution, that *Cinna* owed its birth. Encouragement inspires neglect and presumption only in little minds; to elevated souls, to lively imaginations, in a word, to great talents, the intoxication of success becomes the intoxication of genius. For them there is but one poison to fear; it is that which cools them."

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"Pindar the Lyric Poet speaks in the following terms of the condition of the pious souls in Hades: "The brightness of the sunshine is present there, when darkness overspreads the earth beneath; meadows of purple roses surround their habitations, shaded with trees of aromatic odour, and laden with golden fruits. Some of the inhabitants entertain themselves with exercises on horseback, others with gymnastic exercises on foot, and others with the pleasures of music. Every kind of flowery beauty flourishes there in profusion. Pleasing smells are unceasingly diffused thro' the whole country. The light arising from the perfumes burnt on the altars of the gods, is visible to a great distance." *Cons. ad Apollonium.*

"There is in Pindar another description of the happiness of the blest, nearly resembling that given by Plutarch, though in some respects different, which I shall give in Mr. West's very elegant translation."

Strophe IV.

But in the happy fields of light,
Where Phœbus with an equal ray
Illuminates the balmy night,
And gilds the cloudless day;
In peaceful unmolested joy,
The good their smiling hours employ.

Them no uneasy wants constrain,
To vex th' ungrateful soil,
To tempt the dangers of the billowy main,
And break their strength with unabating toil;
A frail disastrous being to maintain.

But in their joyous calm abodes,
The recompense of justice they receive;
And in the fellowship of gods,
Without a tear, eternal ages live.

While banish'd by the fates from joy and rest,
Intolerable woes the impious soul molest.

Antistrophe IV.

But they who in virtue strong
The third purgation can endure,
And keep their minds from fraudful wrong
And guilt's contagion pure;
They thro' the starry paths of Jove
To Saturn's blissful seat remove.

Where fragrant breezes, vernal airs,
Sweet children of the main,
Purge the blest Island from corroding cares,
And fan the bosom of each verdant plain,
Whose fertile soil immortal fruitage bears.

Trees, from whose flaming branches flow,
Array'd in golden bloom, refulgent beams,
And flowers of golden hue that blow
On the fresh border of their parent streams
These by the blest in solemn triumph worn,
Their unpolluted hands and clust'ring locks adorn.

TRIAL OF COL. BURR

(*Continued from page* 271.)

Mr. Edmund Randolph, in reply to Mr. Hay, contended that it was highly improper to enter into an examination of evidence while the grand jury was in session, as such a procedure would tend to make a partial impression on their minds. He complained that much time had been wasted in this discussion. He denied that any instance was ever before known, in which a court was entitled to commit a man who had bail. He asked the attorney for the United States if he meant to be the pioneer of blood for the grand jury. When he spoke of the delays of others, he could hardly say that he ought to impute any needless delay to the general government. He observed that they were charged with an attempt to catch the multitude. He heard many encomiums from the attorney on the part of the prosecu-

tion, on the government. But he remarked that the President had been precipitate in asserting that Col. Burr was unquestionably guilty. He could not entirely agree with those who supposed that Col. Burr was treated with humanity, when carried to Richmond, in being forbidden to speak to any individual, prohibited the use of pen and ink, even for writing to his daughter. He did not attribute this conduct to Mr. Jefferson, nor wish to transfer the guilt of Col. Burr to the executive, but he had a right to state the objections which he did. Government had already excited sufficient prejudices against Col. Burr, without causing any thing more by the present motion. He trusted that the court would see equally with Col. Burr's counsel, that improper effects must be the result of a public examination in this stage of the business, and would accordingly reject the motion.

Mr. Hay replied, and complained of the harsh expression of Mr. Randolph in comparing him to a pioneer of blood. Pointed out the difference between a prosecution in a state court and the federal court, and the difference between the evidence which might be laid before the court and that which would be proper for the grand jury. He was of opinion that the same evidence which the court might legally inspect, would come within the jurisdiction of a grand jury. Mr. Randolph he thought incorrect in saying that affidavits could not be submitted to the grand jury. The existence of the grand jury some thought an obstacle; but suppose that the grand jury was dismissed, would not the court then possess the power to commit? He hoped that the court would not regard the objections which the counsel for the accused had so ingeniously stated.

One more remark. Mr. Randolph had expressed a reverence for Mr. Jefferson, which is certainly not derived from trifling considerations. I will make but one remark, and that gentleman will agree with me in the opinion: survey the many peopled globe through all ages and nations, and you will not find a man more anxiously bent on promoting the liberty of the people.

Mr. Wickham replied, and stated the necessity of precedents to justify the motion. He declared that Mr. Randolph, who had so ably represented the commonwealth as a prosecutor for 30 years, could not produce a single one. He wished to know why the attorney for the United States was not prepared for trial. He thought it improper and unconstitutional, when a particular body was set apart for the investigation of suits, for the court to step in and take this power from them. He said that Mr. Hay was disposed not to send up his bills before the present grand jury, but he hoped that determination would be overruled by the court, and that if the prosecution was ever to be closed, that we might see the curtain drop upon it now and for ever. If the prosecution was postponed for want of evidence on the part of government, he thought that Col. Burr, if bound to bail at all, ought to be held on a smaller recognizance. This, however, he would wave, as his wish was to have the cause decided.

The gentleman, he observed, had drawn a flattering picture of our national prosperity, and had warmly eulogized the national administration. He was happy to hope that the picture was from the life, one feature only excepted. But the most animated pictures of national happiness would not alleviate the wounds of *his persecuted client*, when he reflected that he was the only man in the nation whose rights are not secure from violation.

Mr. Burr then rose and addressed the court to the following effect:

I am not, I hope, sir, wasting the time of the court upon the present occasion. The motion proposed is admitted on all hands to be important: and it is certainly a new one. Perhaps it was to have been expected, that on a point so novel, some precedents would have been produced: but in this expectation we have been disappointed. Its novelty, will however, be

productive of another effect. It will still better qualify it for making another small feature in a picture of oppressions and grievances, which have never been paralleled in the records of criminal law.

The case is this: no man denies the authority of the court to commit for a crime: but no commitment ought to be made except on probable cause. This authority is necessary; because policy requires that there should be some power to bind an accused individual for his personal appearance; until there shall be sufficient time to obtain witnesses for his trial. But this power ought to be controlled as much as possible.

The question in the present case is whether there is probable cause of guilt; and whether time ought to be allowed to collect testimony against me. This time ought generally to be limitted; but there is no precise standard on the subject; and much is of course left to the sound discretion of the court. Two months ago, however, you declared that there had been time enough to collect the evidence necessary to commit on probable cause; and surely if this argument was good, then, it is still better now.

As soon as a prosecutor has notice of a crime, he generally looks out for witnesses. It is his object to obtain probable cause for committing the accused. Five months ago, a high authority declared that there was a crime, that I was at the head of it: and it mentioned the very place too where the crime was in a state of preparation. The principal witness against me, is said to be Mr. Wilkinson. Now from what period is the time to be computed? If from the time I was suspected, five months ago; if from the time when I was seized, three months; or is it to be only computed from the time when I was committed? So that it is near 40 days since the notice must have arrived at New Orleans. But a vessel navigates the coast from New Orleans to Norfolk, in three weeks.—I contend, however, that witnesses ought to be procured from the very time when the crimes are said to be committed. There is then no apology for the delay of the prosecution, as far as it respects the only person for whom an apology is attempted to be made.

There are other serious objections to my situation: Must I be ready to proceed to trial? True, sir, but then it must be in their own way. Are we then on equal terms here?—Certainly not.

And again as to affidavits. The U. States can have compulsory process to obtain them: but I have no such advantage. An exparte evidence then is brought before this court on a motion for commitment. The evidence on one side only is exhibited, but if I had mine also to adduce, it would probably contradict and counteract the evidence of the United States. Well, sir, and these affidavits are put into the Newspapers; and they fall into the hands of the Grand Jury. I have no such means as these, sir: and where then is the equality between the government, and myself?

The opinion of the court too is to be committed against me. Is this no evil?

A sufficient answer, sir, has been given to the argument about my delay; & its disadvantages to myself have been ably developed. But my counsel have been charged with declamation against the government of the United States. I certainly, sir, shall not be charged with declamation. But surely it is an established principle, sir, that no government is so high as to be beyond the reach of criticism. And it is more particularly laid down, that this vigilance is more particularly necessary, when any government institutes a prosecution, and one reason is, on account of the vast disproportion of means which exists between it and the accused. But if ever there was a case which justified this vigilance, it is certainly the present one, when the government has displayed such uncommon activity. If then this government has been so peculiarly active against me, it is not improper to make the assertion here, for the purpose of

increasing the circumspection of the court.

Mr. Burr observed, that he meant by persecution the harassing of any individual, contrary to the forms of law: and that his case unfortunately presented too many instances of this description. He would merely state a few of them. He said that his friends had been every where seized by the military authority; a practice truly consonant with European despotisms. He said that persons had been dragged by compulsory process before particular tribunals, and compelled to give testimony against him. His papers too had been seized. And yet in England, where we say they know nothing of liberty, a gentleman who had been seized and detained two hours in a back parlour, had obtained damages to the amount of 1000 guineas. He said that an order had been issued to kill him as he was descending the Missisippi, and seize his property. And yet they could only have killed his person, if he had been formally condemned for treason. He said that even Post Offices had been broken open, and robbed of his papers: that in the Missisippi territory, even an indictment was about to be laid against the Post-Master, that he had always taken this for a felony; but that nothing seemed too extravagant to be forgiven by the amiable morality of this government. Mr. Burr said there seemed to be something mingled in these proceedings which manifested a more than usual inclination to attain the ends of justice. As far as it related to himself, perhaps, these things were of no account; but what was then to be said of those and other measures, such as the suspension of the Habeas Corpus act, which concerned the whole nation? If in the Island of Great Britain, such a measure was calculated to produce so much disturbance, what kind of sensation ought it to produce in this country?

Our President, said Mr. Burr, is a Lawyer, and a great one too. He certainly ought to know what it is that constitutes a war. Six months ago he proclaimed that there was a civil war; and yet for six months have they been hunting for it, and still cannot find one spot where it existed.—There was to be sure, a most terrible war in the Newspapers; but no where else—When I appeared before the Grand Jury in Kentucky, they had no charge to bring against me; and I was consequently dismissed.—When I appeared for a second time before a Grand Jury (in the Missisippi Territory) there was nothing to appear against me: and the judge even told the U. States Attorney that if he did not send up his bill before the Grand Jury, he himself would proceed to name as many of the witnesses as he could—and bring it before the court.—Still there was no proof of war. At length, however, the Spaniards invaded our territory: and yet there was no war. But, sir, if there was a war, certainly no man cannot pretend to say that the government is able to find it out. The scene to which they have now hunted it, is only 3000 miles distant; and still there is no evidence to prove this war.

Mr. Burr requested the court to consider the consequences which would now result from a commitment for treason; that if he were bound now, the law of Virginia declared that he should so remain till the next term; that this delay was the very inconvenience he would wish to avoid; and that he presumed he was to remain in prison six months, until they could find out this war.

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Tuesday, May 26th.

The court delivered their opinion on Mr. Hay's motion, for commitment. (For this opinion see W. I. No. 42, p. 202.) Mr. Hay then observed that he was struck with the observations of the court, relative to "publications," and he would attempt to make some arrangement. The counsel on each side, retired for that purpose, but could make none. He hoped however that some arrangement might be made before the next day.

Wednesday, May 27th.

Mr. Hay stated that all hopes of arrangement which he had contemplated were at an end. That he should therefore proceed with his motion for commitment. In introducing his evidence he would observe something like a chronological order. That he would first meet the depositions of those witnesses who were absent, and then introduce the witnesses who were present.

Mr. Wickham stated, that there were two distinct charges against Col. Burr, first, for a misdemeanor, for which he was already recognized.—The other for High Treason against the U. States, which was once brought forward without success. On this charge the U. S. must substantiate two points: that there was an overt act committed: and 2ndly, that Col. Burr was concerned in it. Every thing that does not bear upon these points, is inadmissible. The course laid down by the Attorney for the U. S. was therefore improper in proposing to examine his witnesses in a chronological order.

Col. B. requires that the evidence should be taken in strict and legal order. The court, and even the opposite counsel, would see the propriety of observing this order. If the attorney for the U. S. has affidavits, let him first prove his right to produce them. First let him prove by strict legal evidence that an overt act of treason has been committed. If he cannot establish that point, all his evidence will be nugatory.

Mr. Hay had no doubt that the gentleman would, if he could, suppress *all* the evidence, and although he had been so good as to prescribe to him the course he ought to pursue, he should still pursue his own course, and he would assure that gentleman that he was almost the last person in the world whose advice on the present occasion he should pursue. He would not consent to such separation of the evidence. He should lay all the testimony before the court, and they must separate for themselves.

The two charges against Aaron Burr are intimately blended. They form distinct parts of one great design. What that design was, in all its bearings and ramifications, I am not absolutely certain. But I have always conceived, that before Mexico was invaded, New-Orleans was to be taken. How then is it possible to separate these two allegations? This monstrous design consists of two great plots, both going on together; and both so strongly connected, that accomplishing the one is preparatory to accomplishing the other. If Burr's design was to plant his standard in Mexico, he was first to have seized the shipping and banks of New-Orleans. We cannot then separate line by line and word by word the evidence produced to prove these allegations. The designs are connected, and the evidence is connected.

Mr. Burr rose to speak, when Mr. Hay stated that he had a little more to say. If exceptions are to be taken to the most common measures; if every inch must be disputed contrary to common practice; instead of ten hours, or ten days, the trial will take ten years. He complained that he could not steer five inches without some unusual impediment, and yet gentlemen talk of precedents. And where is the precedent for a counsel's being instructed *how* to bring out his evidence? It is novel, and ought not to be practised. He would not be driven from his purpose. He would or would not produce his evidence, whether they were pleased or not. They offered but a poor compliment to the bench. If a deposition states, or a witness says what is irrelevant, the court might be trusted with the distinctions. The court could decide questions of evidence. They did not distrust the judgment of the court, but they wished to hamper the counsel. The allegation was serious, affecting the life and character of the accused. He protests his innocence, and charges his accusers with persecution. But if it evinced no consciousness of innocence to oppose every precedent estab-

lished in this or any other country.

Mr. Wickham said, that having taken the liberty of suggesting this course of proceeding, he should advance a few more observations; and this he did the more readily, as it had been insinuated that no man standing like himself as a professional man, would have made a motion of that sort. [Mr. Hay declared that he had said no such thing.] Mr. W. said he had rights as counsel for his client, and rights belonging to himself.

Mr. Hay speaks of two distinct charges: the invasion of Mexico, and the seizing of New-Orleans. But he declares them to be necessarily blended. How so? Could not a man levy war against the U. S. without invading Mexico?

As to loss of time, and difficulties thrown in the way, the world must decide which has pleaded most for delay. We entertain no fear that this court will be impatient. As to difficulties, let gentlemen pursue a regular course; let them bring this business before the grand jury, and we shall make no objections.

But if they pursue this course, and continually throw difficulties in our way, we shall mete out to them the same measure which they mete to us. This coming out at such a stage as this with a distinct substantive charge, not growing out of the evidence before the court, is a strange and new practice. Gentlemen stand upon law; and law they shall have. They say that no such exception as this was ever taken before a magistrate. But where are the reporters, who attend private magistrates to record their precedents? Magistrates must observe the laws of evidence. Would gentlemen introduce their witnesses without swearing them?

The court must have all the evidence before them, and "they must seperate" the good from the bad. This is contrary to the books and to commonsense. The practice has been when an Attorney introduced a writing into court, to ask what he would have by it: when he introduces a paper, to show the general contents of that paper. This was the practice in the trials of Hardy and Tooke in England. In Chancery a practice had crept in for the judge to read papers, without knowing their general contents; but this is done merely for the sake of convenience, and will apply but in criminal prosecutions.

We are not afraid to trust the court with this evidence, but we fear to prejudicate the minds of the Grand Jury by its premature and illegal exhibition. Let Col. Burr come regularly before the jury, and we shall see who shrinks from the testimony. He complained of the want of propriety and decorum in the proceedings, and attempts to bias the minds of people by idle and false tales, and declared that these would be dissipated as soon as the attorney for the U. S. would send up the bills before the grand jury, and permit the whole evidence to be given and laid before the world.

We do not pretend to order or dictate to the gentlemen; but the law must dictate. They have produced a series of irrelevant writings and papers; and they would pursue a chronological order. Away with such informalities. Let them prove an assemblage of men for war. Let them prove the overt act. Otherwise, I confidently hope that Col. Burr will be discharged. Mr. Wickham here read a quotation from "Foster's Discourses on High Treason."

Mr. Burr did not expect an opinion of the court, since no motion had been made. Mr. Wickham had only given notice to the opposite side, that they should follow the strictest rules of law. If it was for a suit of 10l only, he should ask for the laws of evidence.

The Chief Justice said, it would certainly be better, if evidence was produced to prove the facts first, and the evidence to show their colouring afterwards; for no evidence certainly has any bearing upon the present case, unless the overt act be proved. However, if the attorney for the U. States thinks the chronological order the

best, he may pursue his own course; but the court trusts to him that he will produce nothing which does not bear upon the case.

Mr. Wirt. We coincide with the opinion of the court, that an overt act ought to be proved, and that we ought to produce no evidence at all, unless we believed we had enough to prove the overt act. We do believe that we have sufficient evidence for this purpose: but we think it best to pursue something like a chronological order; to take this conspiracy in its germ, to go on step by step, and to trace out every event as they subsequently rose.

Mr. Hay observed that it would be necessary to give evidence to show the temper of mind of the accused; as for instance, Mr. Stoddert would show his hostility to the administration, and even to the government; to show how this disposition of mind might lead to treasonable designs, to plans, and thence to overt acts. This was the natural order of things and of the evidence; the court would rely upon his humanity, that he would produce none which he did not believe to bear upon the fact.

Mr. Randolph said, that however he might respect that gentleman's humanity, he knew too well the temper of any prosecution, to expect much from it. They are for strict law, said Mr. R. and so are we. In England before a witness is heard, it must be stated in general terms what he intends to prove. The same practice ought to prevail here. Let the Attorney for the U. S. state the substance of each part of the testimony he is to produce, and the court will then perceive whether it is calculated to bear upon the case itself, or whether it is only intended to inflame the public prejudices against Col. Burr.—We demand, that the overt act be first proved: without that, the accessary evidence is of no kind of use. Let that be established, and the accessary facts will then have their weight.—I hope, sir, if the Attorney for the U. S. does not introduce his evidence on that, we shall be at liberty to suppress all the irrelevant testimony.

Mr. Botts, said he should leave it to the court.

Mr. Hay. Agreed.

The Chief Justice decided, that the Attorney for the U. S. might pursue whatever course he thought best.

Mr. Botts. Send us the written testimony before you submit to the court.

Mr. Hay. As I said before, I shall take up the depositions first; and then the viva voce testimony, in a chronological order.—I shall first introduce Gen. Wilkinson's deposition.

Some desultory conversation, then ensued between Mr. Hay and Mr. Botts, on the latter's demanding the liberty of examining the deposition. At length Mr. Hay handed the paper to him. Mr. Botts then addressed the court.

(To be continued.)

Summary of Foreign Intelligence.

London dates have been received by the way of Boston to the 5th of May.

No great events had occurred in the grand armies in Regal Prussia, or Poland, as late as the 15th April. Great numbers of troops were advancing to reinforce both. The Emperor Alexander had joined his army, and Gen. Benningsen retained the command and the entire confidence of his sovereign. Lord Hutchinson was with the Russian army.

The Swedes from Stralsund, having followed the French too far, were attacked in their turn and defeated by Marshal Mortier. They were driven back beyond Arkelam, with the loss of 1400 made prisoners, and five pieces of cannon. An armistice was proposed by the Swedes and agreed to by the French, and two Swedish islands were pledged as guarantees. Each party had a right to break this armistice by giving ten days notice. It was thought in Enfiland that this armistice would not be ratified by the king of Sweden.

The English expedition against Constantinople had completely failed. Admiral Duckworth had returned into the Archipelago, with the loss in the Dardanelles of 69 killed and 219 wounded. Stone balls were fired into the fleet in the narrows, weighing 700 weight each. Six Turkish ships of war were destroyed.—On the return of the English to Teredos, they were joined (March 16th) by 7 sail of Russian line of battle ships. The failure of the expedition was attributed to calm weather and the want of troops.

The Russians had invested Ismail; had gained some advantages, and received reinforcements from the Crimea; but the Ottoman forces were collecting in strength, and a French army was about entering Turkey. French influence prevailed at Constantinople: and Austria appeared to side against Russia.

In England the election seemed to drown every other consideration. A duel had been fought between Sir Francis Burdett and Mr. Paul, both candidates on the same side, in which both fell, being severely wounded.

The London Gazette of May 9th contains the copy of a dispatch from Major Gen. Frazer, dated Alexandria, 25th of May, 1807, addressed to the Right Hon. W. Windham. This states that in the afternoon of the 20th, the town and fortress of Alexandria, with 2 Turkish frigates and a corvette, surrendered to his Majesty's arms by capitulation—they were taken possession of on the morning of the 21st. Gen. Frazer had been detached on this service, with a body of troops from Messina, by his excellency Gen. Fox, under convoy of his Majesty's ships the Tiger and Apollo.

After consulting with Major Misset, who was in Alexandria, Gen. Frazer landed on the evening of the 17th as many troops as his small number of boats would convey, a few miles to the eastward of Marabout; but finding his situation precarious, from the height of the surf, and the appearance of the weather, he determined to force his way to the western side, where he could obtain supplies from Aboukir Bay, and at the same time to attempt, in passing, to get into the town with the small force in his possession.

On the evening of the 18th he commenced his march, and on his way forced a palisade intrenchment, with a deep ditch in front, strengthened by three batteries, mounting three guns, exclusive of Fort Des Bains, mounting 13 guns. This was effected with little loss, under a heavy fire of cannon and musketry. He then proceeded within a few yards of Pompey's gate, where the garrison was found prepared for resistance, and the walls lined with troops and armed inhabitants. The British force not exceeding one thousand of all descriptions, their commander resolved to proceed to the westward, and arrived on the morning of the 19th on the ground which the British troops occupied in the famous action of the 21st, and immediately sent detachments to take possession of Aboukir castle, and the cut between the lakes Mandie and Mareotis; by which communication the reinforcement of Albanians was expected in Alexandria, and succeeded in both these attempts.

On the 20th a manifesto was addressed to the inhabitants, warning them of the danger of implicating friends and foes, in case of a general assault, and urging them to force the governor to capitulate. This had the desired effect: a flag of truce was sent out, and a capitulation agreed to.

The General bears honourable testimony to the cheerfulness, patience, zeal, and alacrity of the officers and soldiers under his command, and subjoins to his dispatch the articles of capitulation, which stipulate for the protection of the persons, property, religion, and laws of the inhabitants of Alexandria.

French emigrants in London have incurred the suspicion of the government. A French general of high rank, his aid-de-camp, with two more emigrants, have been committed to Cold Bath-field's prison, and two

foreign counts have been taken into custody. A French baron was taken at his lodgings in Soho, and after an examination, was ordered into the custody of a messenger. Warrants for several other foreigners have issued, some of whom, having received private information, have escaped.

Paris papers to the 8th of May, have been received by the editor of the Baltimore American, which represent the Turks as being in high spirits, in consequence of the retreat of the English squadron from before Constantinople. The Grand Vizier set out for the army on the 30th of March. His army is 60,000 strong, and is bending its march for the Danube. Great preparations were making in Georgia. The island of Teredos had been attacked without effect by the Russians. Rear-Admiral Lewis and Vice-Admiral Duckworth are said to have been wounded in passing the Dardanelles.

The Right Hon. George Canning, Secretary of State for foreign affairs, has given official notice that the blockade of the straits of the Dardanelles, and the port and harbour of Smyrna, would be maintained and enforced in the strictest manner.

An order of the Privy Council has likewise laid an embargo on all ships and vessels belonging to the Grand Seignior; likewise an order has been issued, permitting his Majesty's subjects to trade with Monte-Video and its dependencies. The same gazette in which this was published, contains twenty-two addresses, thanking his Majesty for refusing to agree to the Roman Catholic bill proposed by the late administration.

DOMESTIC.

The importance of Burr's trial has induced us to attempt an abridged report of the whole proceedings. Although we shall in consequence of the comparative narrowness of our limits, not be able to give the proceedings as fast as they transpire, still our readers would, we believe, wish us to present a record which, if we mistake not, will serve as a monument of the baseness, venality, and tyranny of either section of the faction which laid the foundations of its greatness on the ruins of Federalism, and threatens to complete its infamous career by the ruin of the country.

A motion has been made for a subpœna *duces tecum*, to be addressed to the President of the United States, which has been allowed by the court, and a writ issued accordingly. This was founded on an affidavit of Burr, stating that he had great reason to believe that a letter from Gen. Wilkinson to the President, referred to in one of the President's messages, with accompanying documents, would be material in his defence.

The famous ex-secretary, of flour-merchant memory, Edmund Randolph, one of Fauchet's "pretended patriots, *who have their prices*," made a speech on the 10th inst. in which, if we mistake not, are "*more precious confessions.*"

"Of James Wilkinson, (he says) we are not afraid, in whatever shape he may be produced, in whatever form he may appear before this court. We are merely afraid of those efforts which desperation may produce on his mind. Desperation, please the court, is a word of great fitness in the present case. Gen. Wilkinson we beheld *first acting as a conspirator to ensnare others, afterwards as a patriot to betray others from motives of patriotism.* What must be the embarrassment of this man, when the awful catastrophe arrives, that he must either substan-

tiate his own innocence by the conspirator in the event of the acquittal of the accused."

Thus it appears by the confession of Col. Burr's Attorney, that there has been a conspiracy in which Gen. Wilkinson was a first actor, and afterwards turned patriot to betray his accomplices, and is now on the horns of such a horrible dilemma, that he must either be convicted as a traitor, or be the means of convicting others!!

We are sorry to find the New-Orleans papers for a considerable time past almost exclusively devoted to the keenest invectives against Gen. Wilkinson. It is true that such a scene of oppressions and outrages as have been acted in New-Orleans, can hardly be found in the annals of the most wicked and despotic governments. But General Wilkinson is not the man who is responsible for it. He acted under the authority of the President, who is the friend of man and the champion of equal rights. He alone is accountable to the people for the outrages which have been committed, and which, though they seem to be little regarded at present, will be remembered and execrated as long as those of Nero or Caligula.

[*U. S. Gaz.*

It appears by the southern papers that subpœnas have been served upon the secretaries of war and the navy, to attend the trial of Col. Burr, as well as upon the President. *Ibid.*

Burr's Trial.—The following account of a part of the proceedings in the circuit court on Saturday the 13th inst. is copied from the Aurora. It must be taken with some allowance, as it appears to be from the editor himself, now at Richmond. On the same day the court gave a decision in favour of the motion of Col. Burr, for *subpœna duces tecum* to the President. The subpœna accordingly issued, and was served upon the President on Monday. The Washington Federalist mentions that the President will forward the papers, his personal attendance being dispensed with. *Ib.*

From the Aurora.

The witnesses sworn in before I left the court, were Captain Decatur, Commodore Truxton, General Eaton, Peter, (the gardener of Blennerhasset) and a few others.—Dr. Bollman, upon being called to the book, in order to be sent up as a witness, hesitated—whereupon Mr. Hay, attorney of the district, called the attention of the court to his situation; he said Dr. Bollman had made what he alleged to be a very full and ample disclosure, not only of the designs and objects of Col. Burr's enterprise, but of the mode and means by which it was to be conducted and accomplished.——In consideration of which the President had promised, and according to that promise had issued a full and general pardon to Dr. Bollman. The pardon had been transmitted to him, (Mr. Hay, attorney of the district) and by him had been tendered to Dr. Bollman, who at first had agreed to accept it; but that since he had expressed a disinclination or doubt whether he would accept it; and in a latter instance had declared that he would neither accept nor reject it. In that situation he was now called to the book, and he would in the face of the court tender that pardon to Dr. Bollman again, and he did tender it—Dr. Bollman did not accept it. The attorney of the district thereupon handed the pardon to the clerk of the court, desiring it to be there recorded.

Upon this Mr. Luther Martin rose and made some observations as to the insufficiency of that pardon; that it would not protect Dr. Bollman from an indictment now before the grand jury sitting, and that it could be pleaded only after a trial, or on conviction.

Some more was said as to his not being obliged to swear any thing that would criminate himself, and being a party, that he would, if called upon to answer, subject himself to that danger. I left the court reluctantly while this discussion, which arose unforeseen, and was from its nature peculiarly interesting, was going on.

From the Commercial Advertiser.

The votes given at the late Election by Freeholders in this state for governor, taken from the official returns, are as follows:

In the Southern District,	9688
In the Middle ditto,	13670
In the Eastern ditto,	16482
In the Western ditto,	26223

This statement shows in a concise view the number of freeholders in each district in the state, by which it will be observed, that the Western District contains a greater number of freeholders than both the Southern and Eastern districts;—and these districts include the cities of New-York, Albany, and Schenectady, with a number of populous villages; yet that district generally denominated the "Western Country," is by many in this city considered a mere wilderness. It must, however, be admitted, that *nine-tenths* of its population is of no longer date than eighteen years, at most; and that, before that time this Western District was an almost endless wilderness to the lakes on which it borders. Hence these questions will arise: What will be the population of this Western District in the next eighteen years! What the commerce of this city with this Western country, if it can be retained by timely improvements? Will not that western country, in the course of the next eighteen years, give as many votes for Governor as the whole state gave at the last election? There is sufficient land yet unsettled in that district, to maintain upwards of one hundred thousand freeholders. But will not so rapid a population as this district is capable of producing, be compelled to force its trade with a more southerly channel, if the natural one, which leads to this city, remains neglected and unimproved?

Will it not be easy for a great part of this Western Country to open its inland trade, and carry it on with Baltimore, as it is (in its present unimproved state) to continue it with New-York, Albany, or Schenectady? This Western Country may be compared to a handsome girl, who has two rival lovers—the one, Baltimore, flattering her fancy—the other, New-York, too sure of conquest, and therefore neglectful of his courtesy. But beware of the consequences of this neglect; view with a jealous eye the assiduities and devices of your rival. If you wish New-York to remain, as now, *the Emporium of America*, suffer not the trade with the interior of your state to be carried off triumphantly by the spirited and enterprising citizens of Philadelphia and Baltimore.

A YORKER.

From the position of the grand armies in Europe, according to the latest intelligence, we have reason to apprehend that a most destructive battle has been, or soon will be fought. As to the event, we are not a little apprehensive. French arms, and French arts, will, we fear, eventually prove too hard for Russian prowess, and Great-Britain alone will remain a barrier against the universality of French dominion. Our Jacobins, from Duane down to his meanest copyists, are all courting the French chains. They will probably eventually be accommodated with the wished for fetters. For where is the spirit to resist, and the means of resistance, if Russia falls?—No where.

The last words and dying speech of "The Morning Chronicle," a newspaper, lately deceased in this town, are somewhat swanlike. We will give them a place hereafter.

FRENCH INFLUENCE.

By Sotheby.

"I dread not Gallia's desolating powers,
No hostile foot shall bruise our native flowers;
I dread her not, stern foe array'd in arms;
I dread the syren deck'd in magic charms—
I dread her, crown'd enchantress of the heart,
And hail'd by Europe, arbitress of art.
The feast is spread, in proud theatric state,
Th' invited nations at her portals wait.
Transported guests! The golden gates expand;
The shout of rapture bursts from land to land.
Zephyrs, whose roseate wings soft dews distil,
The air around with sweets sabean fill:
Banners where rainbow colours richly play,
Catch the soft gale and stream'a fairer day.
Above, below, around, the viewless choir,
Wake the soft flute, and sweep th' accordant lyre;
And, at each tuneful stop, from nymphs unseen,
Symphonious voices swell the pause between.
Others, by beauty moulded move in sight,
And every sense by every charm delight,
With flowing locks, loose robe, and bosom bare,
Melt in the dance that floats upon the air.
The enchantress smiles, her hands a gobblet hold,
On Hebe's bosom Cupid wrought the mould:
The enchantress smiles, and mingles in the bowl
Drops of Circean juice, that drug the soul.

THE SORROWS OF SWITZERLAND.

Helvetian vales! Where freedom fix'd her sway;
And all the social virtues lov'd to stray;
Soft blissful seats of undisturb'd repose,
Rever'd for ages by contending foes,
What envious demon, ranging to destroy,
Has marr'd your sports, and clos'd your song of joy?
What horrid yells the affrighted ear assail!
What screams of terror load the passing gale!
See ruffiian hordes, with tiger rage advance,
The shame of manhood, and the boast of France!
See trampled, crush'd and torn in lustful strife,
The loathing virgin and indignant wife!
While wanton carnage sweeps each crowded wood,
And all the mountain torrents swell with blood!
Lo! Where yon cliff projects its length of shade
O'er fields of death, a wounded chief is laid!
Around the desolated scene he throws
A look, that speaks insufferable woes:
Then starting from his trance of dumb despair,
Thus vents his anguish to the fleeting air:

"Dear native hills, amidst whose woodland maze,
I pass'd the tranquil morning of my days,
On whose green tops malignant planets scowl,
Where hell hounds ravage, and the furies howl;
Though chang'd, deform'd, still, still ye meet my view,
Ye still are left to hear my last adieu!
My friends, my children, gor'd with many a wound,
Whose mangled bodies strew the ensanguin'd ground,
To parch and stiffen in the blaze of day,
Consign'd to vultures, and to wolves a prey,
Your toils are past; no more ye wake to feel
Lust's savage gripe, or rapine's reeking steel!
And Thou, to whom my wedded faith was given,
On earth my solace, and my hope in heaven,
Approv'd in manhood, as in youth ador'd,
Belov'd while living, as in death deplor'd,
O stay thy flight! Around this dreary shore
A moment hover, and we part no more—
On thy poor corpse, thy bleeding husband hangs,
Counts all thy wounds, and feels thy ling'ring pangs—
O righteous fathers! Thou whose fostering care
Sustains creation, hear my dying prayer!
Look down, look down on this devoted land,
O'er my poor country stretch thy saving hand!
O let the blood that streaming to the skies,
Still flows in torrents—let that blood suffice!
To thee the dreadful recompense belongs—
To thy just vengeance I consign my wrongs;
O vindicate the rights of nation's sway,
And spweep the monsters from the blushing day!

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